

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-2072 JB

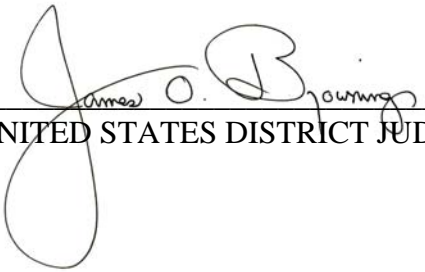
SALVADOR DE JESUS GUTIERREZ-CASTRO,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant Gutierrez-Castro's Motion in Limine to Exclude Admission of the Defendant's Criminal Record, filed June 27, 2011 (Doc. 52). The Court held a hearing on August 4, 2011. The primary issue is whether the Court should exclude admission of any evidence of Defendant Salvador De Jesus Gutierrez-Castro's prior arrests, contacts with law enforcement or convictions as irrelevant, unfairly prejudicial, and substantially more prejudicial than probative under rule 403 of the Federal Rules of Evidence. At the hearing, Plaintiff United States of America represented that it did not oppose the motion and stated that it did not plan to introduce any evidence of Gutierrez-Castro's criminal record. Because the United States does not oppose Gutierrez-Castro's motion, and for the reasons stated on the record at the hearing, the Court will grant the motion.

IT IS ORDERED that Defendant Gutierrez-Castro's Motion in Limine to Exclude Admission of the Defendant's Criminal Record, filed June 27, 2011 (Doc. 52), is granted.



UNITED STATES DISTRICT JUDGE

Counsel:

Kenneth J. Gonzales
United States Attorney
Norman Cairns
Shammara Henderson
Assistant United States Attorneys
United States Attorney's Office
Albuquerque, New Mexico

Attorneys for the Plaintiff

Phillip G. Sapien
Sapien Law, LLC
Albuquerque, New Mexico

-- and --

Kenneth A. Gleria
Kenneth A. Gleria, Attorney at Law
Albuquerque, New Mexico

Attorneys for the Defendant